

DOYLESTOWN TOWNSHIP
ORDINANCE NO. 426

AN ORDINANCE OF THE TOWNSHIP OF DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA, ESTABLISHING CHAPTER 103, HUMAN RELATIONS COMMISSION, TO PROVIDE FOR THE CREATION OF THE DOYLESTOWN TOWNSHIP HUMAN RELATIONS COMMISSION

WHEREAS, Doylestown Township (“Township”) is a Second Class Township duly organized and existing pursuant to the applicable laws of Pennsylvania; and

WHEREAS, the Township’s Board of Supervisors adopted a Code of Ordinances in November of 1991 (“Code”); and

WHEREAS, the public policy of the United States of America, and the Commonwealth of Pennsylvania is grounded in the concept that all individuals are entitled to equality and equal protection under law, *United States Constitution*, Amendment 14; *Constitution of the Commonwealth of Pennsylvania*, Article I, §§ 26, 28; and

WHEREAS, the Board of Supervisors finds that the population of the Township is reflective of the general population of the United States, in that it consists of a diverse array of persons representing different characteristics based upon actual or perceived race, color, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression.

WHEREAS, the Township prides itself on the diversity of its citizens and residents, and the harmonious relations which have been fostered in the Township by a widely practiced and recognized attitude of respect among all citizens of Doylestown Township; and

WHEREAS, the Board of Supervisors finds that the direct and secondary negative effects of discrimination and discriminatory practices involving the personal characteristics described above in matters of employment, housing, commercial property and public accommodation are well known and have been extensively studied, documented and demonstrated; and

WHEREAS, the practice or policy of engaging in discrimination or discriminatory practices against any individual or group, because of actual or perceived race, color, religious creed, ancestry, sex, national origin, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression is a matter of highest public concern, and constitutes a paramount threat to the rights, privileges, peace and good order of the citizens of Doylestown Township and to guests and

visitors of Doylestown Township, that undermines the basic tenets of our freedom as citizens of the United States, and is utterly without place in this Township, which has a storied tradition of fiercely defending the individual rights of its citizens; and

WHEREAS, the Board of Supervisors desires to establish and adopt an official policy of non-discrimination in Doylestown Township, in all matters involving employment, housing and commercial property, and public accommodation;

NOW THEREFORE, be it **ORDAINED AND ENACTED** by the Doylestown Township Board of Supervisors that the Code is hereby further amended by the establishment of Chapter 103 as follows:

SECTION 1. Title.

This ordinance shall be known as the “Doylestown Township Human Relations Ordinance.”

SECTION 2. Purpose and Declaration of Policy.

- A. Doylestown Township finds that it is of high public importance to adopt appropriate legislation to ensure that all persons, regardless of actual or perceived race, color, religious creed, ancestry, sex, national origin, age, familial status, marital status, genetic information, source of income, status as a returning citizen, veteran status, non-job-related disability, use of guide or support animals because of blindness, deafness or mental or physical disability of the user or the user is a handler or trainer of support or guide animals and/or medical aids, or sexual orientation, gender identity or gender expression enjoy the full benefits of citizenship and are afforded equal opportunities for employment, housing and public accommodation, it is necessary that appropriate legislation be enacted.
- B. The Board of Supervisors of Doylestown Township hereby declares it to be the public policy of the Township to foster equality and equal opportunity for all citizens, regardless of actual or perceived race, color, religious creed, ancestry, sex, national origin, age, familial status, marital status, veteran status, non-job related disability, use of guide or support animals because of blindness, deafness or physical disability of the user or because the user is a handler or trainer of support or guide animals and/or medical aids, or because of an individual's sexual orientation, gender identity or gender expression in all matters affecting employment, housing and commercial property and public accommodation, and to safeguard the right of all persons to remain free of discrimination or discriminatory practices in any of the foregoing aspects of their lives.
- C. Nothing in this ordinance shall be construed as supporting or advocating any particular doctrine, position, point of view, or religious belief. To the contrary, it is the express purpose and intent of this ordinance that all persons be treated fairly and equally and that all persons in Doylestown Township shall be guaranteed fair and equal treatment under the law.

- D. This ordinance shall be deemed an exercise of the police power of the Township of Doylestown, as provided under the Pennsylvania Second Class Township Code, for the protection of the public welfare, prosperity, health, and peace of the community or Doylestown Township.

SECTION 3. Definitions.

- A. The following words and phrases when used in this chapter shall have the meanings given to them in this subsection.

BOARD OF SUPERVISORS: The Board of Supervisors of Doylestown Township.

COMMERCIAL PROPERTY OR HOUSING:

- (1) Any building, structure or facility, or portion thereof, which is used, occupied or is intended, arranged or designed to be used or occupied for the purpose of operating a business, an office, a manufactory or any public accommodation;
- (2) Any building, structure, mobile home site or facility, or portion thereof, which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups or families whether or not living independently of each other; and
- (3) Any vacant land offered for sale, lease or held for the purpose of constructing or locating thereon any such building, structure, mobile home site, facility, business concern or public accommodation.

DISCRIMINATION: Any unlawful discriminatory act(s) taken by any person, employer, entity, employment agency, or labor organization, with respect to or involving a transaction related to employment, public accommodations, publicly offered commercial property or housing accommodations, on the basis of actual or perceived race, color, sex, religion, ancestry, genetic information, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use of guide or support animals and/or mechanical aids.

DISCRIMINATORY ACTS: All acts defined in the Pennsylvania Human Relations Act as unlawful discriminatory practices as related to employment, public accommodations, publicly offered commercial property or housing accommodations on the basis of a person's actual or perceived race, color, religious creed, ancestry, sex, national origin, age (except in public accommodations), veteran status, handicap or use of guide or support animals because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals, or because of an individual's sexual orientation, gender identity or gender expression. The fact that the Pennsylvania Human Relations Act would not define a practice as unlawful when that practice is taken on the basis of actual or perceived sexual orientation, gender

identity or expression, genetic information or marital status shall not exempt such practice from being considered a discriminatory act under this chapter.

EMPLOYEE: Does not include any individuals who, as a part of their employment, reside in the personal residence of the employer.

EMPLOYER: Any person who employs four or more employees, including the Township, its departments, boards and commissions, and any other government agency within its jurisdiction of the Township, save those of any government agency whose laws may be deemed preemptive of this ordinance.

EMPLOYMENT: The opportunity for an individual to obtain employment for which he is qualified.

GENDER IDENTITY OR EXPRESSION: Self-perception, or perception by others, as male, female, or non-binary, and shall include an individual's appearance, behavior, or physical characteristics, that may be in accord with, or opposed to, one's physical anatomy, chromosomal sex, or sex assigned at birth, and shall include, but is not limited to, persons who are undergoing or have completed sex reassignment, are transgendered or gender variant.

GENETIC INFORMATION: That information which is defined as genetic information in the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C.A. § 2000ff.

ORDINANCE: This chapter, which shall also be known as the "Doylestown Township Human Relations Ordinance."

PERSON: Any natural person, fraternal, civic or other membership organization, corporation, general or limited partnership, proprietorship, limited liability company, or similar business organization, including the Township, its departments, boards and commissions, and other for-profit and nonprofit organizations.

PUBLIC ACCOMMODATION: Any accommodation, resort or amusement which is open to, accepts or solicits the patronage of the general public or offers goods or services, including loans, to the general public or is listed in Section 4(l) of the Pennsylvania Human Relations Act, 43 P.S. § 954(l), but shall not include any accommodations which are in their nature distinctly private.

SEXUAL ORIENTATION: Actual or perceived homosexuality, heterosexuality and/or bisexuality.

TOWNSHIP: Township of Doylestown, County of Bucks, Commonwealth of Pennsylvania.

TOWNSHIP BOARD OF SUPERVISORS: The Board of Supervisors of Doylestown Township, Bucks County.

- B. To the extent words and phrases appearing in this chapter are not expressly defined herein, the meaning of this chapter shall be construed consistently with the Pennsylvania Human Relations Act.

SECTION 4. Prohibited Acts.

- A. Unlawful discrimination in housing and commercial property, employment, and public accommodations is prohibited under this chapter.
- B. Retaliation against any individual because such individual has opposed any practice forbidden by this ordinance, or because such individual has made a charge, testified or assisted in any manner in any investigation, proceeding or hearing under this chapter is prohibited under this ordinance.
- C. Aiding, abetting, inciting, compelling or coercing the doing of any act declared by this ordinance to be an unlawful practice, or obstructing or preventing any person from complying with the provisions of this chapter is prohibited under this chapter.

SECTION 5. Exceptions.

Notwithstanding any other provision of this ordinance, it shall not be an unlawful employment practice for a religious corporation or association, not supported in whole or in part by governmental appropriations, to refuse to hire or employ an individual on the basis of religion.

SECTION 6. Establishment of Human Relations Commission.

- A. Pursuant to the authority set forth under 43 P.S. § 962.1 of the Pennsylvania Human Relations Act, there is hereby established a Human Relations Commission in and for Doylestown Township (hereinafter referred to as the “Doylestown Township Human Relations Commission” or the “Commission”).
- B. The Doylestown Township Human Relations Commission shall consist of four members, who shall serve overlapping terms of four years each. In addition, one member of the Board of Supervisors shall serve as liaison to the Human Relations Commission but shall not be a voting member of the Commission. All members of the Commission shall be appointed by the Board of Supervisors. The Commission may elect up to three nonvoting, ex officio members to broaden the diversity that serves on the Commission. A minimum of 3 members shall be residents of the Township, individuals who work full time within the Township, or business owners who operate within the Township.
- C. The Board of Supervisors will designate one member as needed to receive the complaint and conduct an intake meeting with the complainants. The member charged with this duty shall

not participate in any mediations involving parties to the complaint for which they handled the intake nor shall this member vote on complaints brought in front of the Commission.

- D. The Human Relations Commission shall annually designate one member to serve as Chairperson of the Commission. The Chairperson of the Commission shall be responsible for coordinating the activities, meetings, and operations of the Commission as set forth under this ordinance. The Chairperson shall also report, from time to time, but in no event less than every six months, to the Chairperson of Board of Supervisors regarding the activities of the Commission.
- E. Members of the Commission shall, as soon after their appointment as practical, attend such training and education seminars or sessions as deemed necessary to acquaint themselves with the functioning of the Doylestown Township Human Relations Commission under this ordinance, as well as the terms, conditions and provisions of the Pennsylvania Human Relations Act, and the operation of the Pennsylvania Human Relations Commission. Such training and education shall be as directed by the Chairperson and shall be performed in conjunction with the State Human Relations Commission.
- F. Board of Supervisors hereby grants to the Doylestown Township Human Relations Council all of the powers necessary to the execution of its duties, provided that those powers shall not exceed those exercised by the Pennsylvania Human Relations Commission under the Pennsylvania Human Relations Act.

SECTION 7. Procedures; Expanded Procedures.

- A. Filing a complaint.
 - 1. Any person claiming to be aggrieved by a practice which is made unlawful under this ordinance may make, sign and file a verified complaint, as provided under Subsection A(2) of this section, alleging violations of this ordinance. Such complaint shall, at a minimum, contain the following information:
 - a. The name, telephone number, mailing address and email (if applicable) of the aggrieved person(s);
 - b. The name, telephone number, mailing address and email (if applicable) of the person(s) alleged to have committed the prohibited practice;
 - c. A concise statement of the facts, including pertinent dates, times, locations, people and acts constituting the alleged discriminatory practice;
 - d. Such other information as may be required by the Township.
 - 2. Complaints may be filed in person at the Township's office or by mailing such complaints to the Township's office or to the Chairperson of the Human Relations Commission. All such complaints must be received by the Township's office or by the

Human Relations Commission within 180 days of the occurrence of the last act giving rise to the complaint or such complaint shall be dismissed as untimely. Equitable tolling may apply when determining the timeliness of the complaint.

3. The Township's office shall convey all complaints received by that office to the Chairperson of the Human Relations Commission within 10 days of the office's receipt of such complaints. The Township Manager shall conspicuously mark the face of the complaint with the date the document was first received in the Township offices.
4. The Commission may promulgate forms for use by persons wishing to file a complaint; however, complaints which are prepared without the use of an approved form shall be deemed acceptable under this ordinance so long as the facts set forth under Subsection A(1) of this section can be clearly determined from the document submitted as a complaint.
5. The Commission may provide for a process by which persons seeking to file a complaint may consult with a volunteer or other staff person affiliated with the Commission who is trained to assist the prospective complainant in discerning the facts relevant to the prospective complaint. Such process shall also include referral of additional information to the prospective complainant concerning the content of this ordinance, the content of the Pennsylvania Human Relations Act, and the availability of the Pennsylvania Human Relations Commission as an additional venue within which the prospective complainant may seek redress when possible.

B. Notification and answer.

1. Within 30 days of its receipt of a complaint, the Human Relations Commission shall:
 - a. Send a copy of the complaint to the person(s) charged with a discriminatory practice [the "respondent(s)"] together with a copy of this chapter; and
 - b. Send notice to the person(s) aggrieved, informing them that the complaint has been accepted and processed by the Commission. If the complaint alleges discrimination on a basis prescribed under federal or state law, the notice sent to the person(s) aggrieved shall also inform them of the right to file with the Pennsylvania Human Relations Commission and/or the federal Equal Employment Opportunity Commission as well as the U.S. Department of Housing and Urban Development, where applicable.
 - c. The Commission shall notify the Pennsylvania Human Relations Commission of the filing of any complaint that may be deemed to be within the jurisdiction of that Commission, as required under the Human Relations Act.
 - d. The Commission shall also give notice to both the complainant and the respondent(s) of their option to elect to proceed to voluntary mediation in order to resolve the matters giving rise to the complaint.

2. The respondent(s) shall file a written verified answer to the complaint within 30 days of service of the complaint. An answer to a complaint may be filed in the same manner as an original complaint. If the answer is filed with the Township's office, it shall be conveyed by the Township Manager to the Chairperson of the Human Relations Commission within 10 days of the Township office's receipt thereof. The Commission shall promptly send a copy of the answer to the person(s) aggrieved.

C. Mediation.

1. Within 30 days of receipt of an answer to a complaint, or, where no answer is filed, within 60 days of service of the complaint upon the respondent(s), the Commission shall proceed in accordance with the following options:
 - a. In the event that both parties have consented to mediation, under Subsection B(1)(d) of this section, then the Commission shall refer the matter to a recognized alternative dispute resolution service, which same service may be provided through Bucks County, the Bucks County Bar Association, or any other professional mediation service provider, or may refer the matter to a licensed member of the Pennsylvania Bar, who may be willing to perform service to the Commission as a volunteer mediator. Any costs or expenses which may be associated with the mediation shall be the responsibility of the parties. The parties shall jointly select the mediator; however, the Commission shall retain the authority to act as the mediator in the event the parties have agreed to mediation but cannot jointly agree on a mediator. Mediation sessions conducted by the Commission may proceed with a minimum of two eligible Commission members. Mediation sessions shall remain private and not otherwise subject to public attendance.
 - b. When mediation has resulted in an amicable resolution of the complaint and the complaint is resolved, the Commission shall notify the parties that the complaint has been dismissed and shall record the result of the mediation in the notice of dismissal.
2. In the event the complaint has not been resolved through mediation, the parties are entitled to pursue all available remedies afforded by the Pennsylvania Human Relations Act.
3. The parties shall notify the Commission of whether the mediation resulted in a resolution of the complaint. In the event the complaint is resolved, the Commission shall notify the parties that the complaint has been dismissed. In the event the complaint is not resolved through mediation, then the Chairman, within 30 days, shall prepare findings of fact and a conclusion as to whether the Commission finds probable cause that an unlawful practice has occurred.

SECTION 8. Advisory Functions.

SECTION 14. Repealer.

Any and all other ordinances or parts of ordinances in conflict with the terms, conditions and provisions of this chapter are hereby repealed to the extent of such irreconcilable conflict


SECTION 15. Effective Date.

This Ordinance shall be effective five (5) days after enactment.

DULY ENACTED on this 18 day of June, 2024.

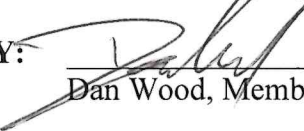
**DOYLESTOWN TOWNSHIP BOARD
OF SUPERVISORS**

ATTEST:

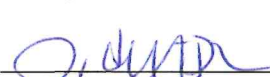

Stephanie J. Mason, Manager

BY: 
Jennifer Herring, Chair

BY:  *abs.tand*
Barbara N. Lyons, Vice Chair

BY: 
Dan Wood, Member

BY: _____
Nancy Santacecilia, Member

BY: 
Judith A. Dixon, Member